



IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

#9  
DACB

APPLICATION SERIAL NO.	§	ATTY. DOCKET
09/902618	§	NUMBER. S 1015.01
In Re J. Scott	§	ART GROUP NO. 3727
TITLE: <i>Multipurpose Storage Device</i>	§	EXAMINER: S. Castellano
FILING DATE: July 12, 2001	§	PETITION FILING DATE: <i>Dec. 15, 2003</i>

RECEIVED  
DEC 23 2003  
OFFICE OF PETITIONS

**PETITION PURSUANT 37 CFR 1.137 Sec.**  
**(b) REVIVAL OF AN ABANDONED**  
**PATENT APPLICATION**

5 MS – Petition  
Commissioner for Patents  
And Trademarks  
P. O. Box 1450  
Alexandria, VA 22313-1450

10 Sir,

The above entitled patent application was unintentionally abandoned on  
March 18, 2003 for failure to reply to an Office Action dated May 31, 2002. A  
timeline of events from May 31, 2002 until December 12, 2003 will suffice to explain  
15 why the Applicant respectfully requests the patent application be reinstated:

- On or about May 31, 2002 the Applicant's previous patent counsel  
Lawrence Carnes received an Office Action requiring a reply no later  
than November 31, 2002 to avoid abandonment of the patent  
application.

- 20 • On or about March 18, 2003 Lawrence Carnes received the Notice of

Abandonment from the Patent Office.

12/23/2003 ABONDAF1 00000097 09902618

01 FC:2453

665.00 DP

• On May 1, 2003, the Applicant was notified by Lawrence Carnes that due to significant health problems he was unable to continue representing the Applicant as his patent counsel. Lawrence Carnes did not notify the Applicant that his patent application was now considered abandoned by the Patent Office.

• The Applicant repeatedly tried to contact Lawrence Carnes by telephone to ascertain the condition and state of prosecution of his patent application. Lawrence Carnes did not respond to the Applicant's telephone calls.

• On August 30, 2003, the Applicant engaged Richard C. McComas as his patent counsel. Richard C. McComas placed four telephone calls to Lawrence Carnes's Office requesting the Applicant's file history. Lawrence Carnes did not respond to the telephone inquiries of Richard. C. McComas.

• On or about September 15, 2003 Richard C. McComas, through independent investigation, discovered the Applicant's patent application had been declared abandoned by the Patent Office on March 18, 2003. Richard C. McComas recommended to the Applicant that the file history be obtained from the Patent Office to determine the reasons for abandonment.

• On or about October 29, 2003, the file history was reviewed by Richard C. McComas and a recommendation made to the Applicant to

request revival of the patent application and answer the outstanding  
Office Action (attached hereto).

Conclusion: The Applicant's previous patent counsel Lawrence Carnes  
5 disregarded his fiduciary duties and requirements in representing the Applicant in  
the prosecution of the Applicant's patent application. Lawrence Carnes knew on  
May 1, 2003 with his letter to the Applicant that the patent application was  
declared abandoned on March 18, 2003 by the Patent Office but did not inform the  
Applicant of this matter. The patent application was unintentionally abandoned as  
10 delineated above. The Applicant requests the patent application be reinstated. The  
petition fee of \$655.00 is attached hereto.

Respectfully submitted,

By: 

Richard C. McComas  
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Agent for Applicant

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